

### **REMARKS**

This responds to the Office Action mailed on February 20, 2004.

Claims 1, 8, and 15 are amended; as a result, claims 1-20 are now pending in this application. These claim amendments are consistent with the originally filed specification. Moreover, the amendments are made for purposes of placing the current application in condition for allowance and Applicant does not believe that the claim amendments necessitate a new search. Accordingly, Applicant believes that the claim amendments should be entered and respectfully requests the same.

#### **§103 Rejection of the Claims**

Claims 1-20 were rejected under 35 USC § 103(a) as being unpatentable over Thearling (U.S. 6,240,411) in view of SAS software product featured on the website www.sas.com. It is of course fundamental that in order to sustain an obviousness rejection that each and every step or element in the rejected claims must be taught or suggested in the rejected claims. Here, the proposed combination of the Thearling technique and the SAS software does not teach environmental factors that are related to current events that occur during the campaign, as is now recited in Applicant's amended independent claims 1, 8, and 15. Thus, Applicant respectfully requests that the present rejections of the independent claims be withdrawn.

More specifically, the Examiner has read the terms "environmental" and "scope" very broadly, so as to include economic data from external sources, which are external to the data sources associated with Thearling. These external data sources (associated with the SAS reference) are asserted to be external by the Examiner and thus the Examiner believes that when Thearling's teachings are combined with the SAS software Applicant's independent claims are obvious.

However, Applicant has now provided a more detailed description of what is meant by the phrase "environmental changes." Thus, the amended independent claims 1, 8, and 15 now recite environmental changes related to "current events" occurring during the campaign but outside the "scope" of the campaign. That is, the teachings of Applicant's invention accounts for

changes occurring outside the scope of the campaign, where that scope does not include other relevant economic or traditional relevant campaign data, which can be acquired from external data sources, such as the SAS reference. This means that Applicant's amended independent claims account for current events which are occurring during the campaign but are not within the scope of the campaign. Applicant can find no teaching or suggestion of a teaching in the Thearling and SAS combination that would support these limitations.

Applicant would also like to point out that even under the Examiner's present interpretation of the claim language in view of the Thearling and SAS combination, that the external data provided by the SAS software is still within the "scope" of the Thearling campaign. That is, the SAS-provided data may be external to the Thearling technique but the data provided by the SAS software is not outside the scope of the Thearling campaign and that data is directly related to the Thearling campaign. Conversely, Applicant's previously submitted claim language (excluding the present amendments) required environmental changes that occurred outside the scope of the campaign.

It appears that the Examiner believes the term "scope" relates to where data is acquired, since the Examiner believes that the SAS-provided data is outside the scope of the Thearling campaign. On this point, the Applicant respectfully disagrees because in order for the Thearling and SAS software to cooperate with one another the SAS software must be interfaced and integrated into the Thearling technique. Thus, Applicant believes that the SAS software is in fact within the scope of the Thearling campaign. However, Applicant believes that this point has been clearly communicated with the positively recited limitations which have now been added to the independent claims with the above amendments.

Therefore, Applicant asserts that the Thearling and SAS combination fails to teach each and every aspect of the positively recited limitations recited in Applicant's independent claims. Correspondingly, Applicant respectfully requests that the present rejections be withdrawn and an indication be provided which indicates the claims are now in condition for allowance.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 - EXPEDITED PROCEDURE

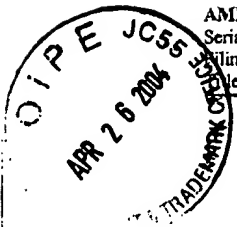
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CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

J. MONTAGUE

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

Minneapolis, MN 55402

(513) 942-0224

Date

4-20-04

By

Joseph P. Mehrle  
Joseph P. Mehrle  
Reg. No. 45,535

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 20th day of April, 2004.

Name

Amy Moriarty

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[Signature]